REMARKS

This amendment is responsive to the Office Action mailed May 6, 2004. Applicant's representatives thank the Examiner for the Examiner-initiated teleconference on April 22, 2004. As correctly captured by the Examiner in the Interview Summary:

> "The Examiner contacted Mr. Weslowski to attempt to put the case in condition for allowance. She indicated that the art rejection would be maintained for claims 70-71 because they did not include the limitation of methylated monosaccharides and that the double patenting rejections would be maintained for those claims not limited by the percentage ranges of mixture elements. The Examiner indicated that the application would be passed to issue if Applicant submitted appropriate Terminal Disclaimers or canceled those claims, and with cancellation of claims 70-71. Mr. Weslowski indicated that he would need to discuss those changes with his client and that the Examiner should proceed with mailing of a final rejection reflecting that set forth above." (Examiner's summary of telephone interview of April 22, 2004.)

In order to advance this application toward allowance, Applicant requests amendment of the claims to incorporate the percentage ranges of the mixture elements as suggested by the Examiner. This amendment is believed to obviate any double patenting issues requiring terminal disclaimer.

Specifically, Applicant requests amendment of independent Claims 46 and 53 to include the recitation:

> "wherein the preservation mixture has a total solute mass, and wherein the methylated monosaccharide comprises between 5% and 80% wt% of the total solute mass, and the disaccharide, or alternatively an oligosaccharide, comprises between 5% and 80% wt% of the total solute mass."

Support for the amendment is apparent from dependent Claims 47, 49, 51, 55, 58, and 60, which are cancelled herein as redundant. Claims 50, 52, 56, 59, and 61 have been amended to correct the claim dependencies in view of the amendments requested above.

Applicant requests entry of the above amendments under the provisions of Rule 116(b). The amendments follow suggestions of the Examiner made in the above-quoted Interview Summary and reduce the overall number of claims. Accordingly, entry of the amendments is believed to be proper.

Claims 70-71, which stand rejected as anticipated under 35 U.S.C. §102(b), are canceled herein. Entry of the requested amendments and allowance of the application are respectfully requested.

Response to Obvious-type Double Patenting Issues

Claims 46, 53-54, 57 and 63-71 stand rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,306,345. Similarly, Claims 53-54, 57, 63-67 and 70-71 also stand rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,509,146.

Applicant believes the claim amendments requested herein obviate the double patenting issues.

Response to issues presented under 35 U.S.C. §102(b)

Claims 70 and 71 stand rejected as anticipated in view of U.S. Patent No. 5,766,520. Applicant has canceled Claims 70 and 71 herein, therefore the rejection is moot.

In view of the amendments herein and the foregoing remarks, reconsideration and allowance of the claims as amended are respectfully requested.

Respectfully submitted,

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